

TUCKER ELLIS & WEST LLP  
PETER KOENIG – STATE BAR NO. 132437  
ALEC BOYD – STATE BAR NO. 161325  
One Market Street, Steuart Tower, Suite 1300  
San Francisco, CA 94105  
Telephone: 415.617.2400  
Facsimile: 415.617.2409

Attorneys for Defendant  
GULF INSURANCE COMPANY

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

JAMES A. HARRIS

Plaintiff,

v.

GULF INSURANCE COMPANY

Defendant.

) Case No. C 01 4906 CW

)

) Hon. Claudia Wilken

)

) **STIPULATION AND ~~PROPOSED~~**  
) **ORDER TO CONTINUE SCHEDULE**  
) **FOR MOTION FOR SUMMARY**  
) **JUDGMENT**

)

)

)

)

)

)

MICHAEL J. STONE,

)

)

Plaintiff/Intervenor.

)

)

This Stipulation is entered into by plaintiff James A. Harris, plaintiff/intervenor Michael J. Stone, and defendant Gulf Insurance Company, by and through their respective counsel of record.

WHEREAS, on July 8, 2005, a case management conference proceeded in this matter before Judge Wilken;

WHEREAS, at the case management conference, Judge Wilken ordered the parties to pursue settlement negotiations aimed at effectuating the disposition of this action, including but not limited to a disposition that would facilitate Gulf's stated intent to appeal Judge Wilken's

1 prior ruling on the interpretation of Gulf's Insured versus Insured Exclusion;

2 WHEREAS, the parties have in good faith engaged in serious settlement discussions  
3 since the time of the case management conference such that it now appears possible that a  
4 mutually acceptable resolution of this action which will facilitate Gulf's appeal can be arrived at  
5 between the parties;

6 WHEREAS, at the case management conference, Judge Wilken also ordered defendant  
7 Gulf to file its motion for summary judgment on the Genuine Dispute Doctrine by July 29, 2005,  
8 for a hearing date on September 2, 2005;

9 WHEREAS, due to the complexity of the negotiations, the Parties subsequently  
10 stipulated three times, and Judge Wilken ordered three times, that the schedule for defendant  
11 Gulf's motion for summary judgment be continued two weeks so that the Parties could further  
12 negotiate settlement such that the deadline to file the motion was continued first to August 12,  
13 2005 with a hearing date of September 16, 2005, the deadline to file the motion continued to  
14 August 26, 2005 with a hearing date of September 30, 2005, and then the deadline to file the  
15 motion continued to September 9, 2005 with a hearing date of October 14, 2005; and

16 WHEREAS, the Parties have now arrived at an agreement but require a little more  
17 additional time such that the interests of the Parties and judicial economy would be best served  
18 by continuing the schedule for Gulf's motion for summary judgment for yet another two weeks  
19 in order to allow the Parties to finalize the papers associated with the agreement for submission  
20 to the Court;

21 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

- 22 1. The prior briefing schedule for Gulf's motion for summary judgment is hereby  
23 vacated; and

2. Gulf shall file its motion for summary judgment on or before September 23, 2005,  
which motion shall be set for hearing on October 29, 2005.

SO STIPULATED:

DATED: September 7, 2005

TUCKER ELLIS & WEST LLP

By: \_\_\_\_\_/S/\_\_\_\_\_  
Peter J. Koenig  
Alec Boyd  
Attorneys for Defendant  
GULF INSURANCE COMPANY

DATED: September 7, 2005

HELLER EHRMAN WHITE & MCAULIFFE

By: \_\_\_\_\_/S/\_\_\_\_\_  
Stephen N. Goldberg  
Celia M. Jackson  
Attorneys for Plaintiff  
JAMES A. HARRIS

DATED: September 7, 2005

JEFFER MANGELS BUTLER & MARMARO

By: \_\_\_\_\_/S/\_\_\_\_\_  
Julia J. Rider  
Attorneys for Plaintiff/Intervenor  
MICHAEL J. STONE

SO ORDERED: MOTION SHALL BE SET FOR HEARING ON OCTOBER 28, 2005.

DATED: September 9, 2005

By: \_\_\_\_\_/s/ CLAUDIA WILKEN  
Hon. Claudia Wilken  
United States District Judge

Stipulation and Order

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Stipulation and Order